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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

vs.

VOLKSWAGEN
AKTIENGESELLSCHAFT, MARTIN
WINTERKORN, VOLKSWAGEN GROUP
OF AMERICA FINANCE, LLC, and VW
CREDIT, INC.,

Defendants.

Case No. 3:19-cv-01391

**NOTICE OF PENDENCY OF OTHER
RELATED ACTION IN THIS
DISTRICT**

Hon.

Magistrate Judge Sallie Kim

Plaintiff United States Securities and Exchange Commission ("SEC") submits this Notice of Pendency of Other Related Action in the District, pursuant to Civil Local Rule 3-13. The following actions already pending in this District may be related to the present case:

1 ***In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products***
 2 ***Liability Litigation***, MDL No. 2672 CRD, Case 3:15-md-02672 (CRB) (Northern District
 3 of California). On December 8, 2015, the United States Judicial Panel on Multidistrict
 4 Litigation transferred 56 civil actions arising from Volkswagen’s use of a “defeat device” in
 5 nearly 600,000 diesel vehicles sold in the United State from 2009 through 2015 to the
 6 Northern District of California for coordination and consolidated pretrial proceedings
 7 pursuant to 28 U.S.C. § 1407. *See* 148 F. Supp. 3d 1367 (J.P.M.L. 2015). Since that time,
 8 more than 1,500 additional actions have been transferred to the Northern District of
 9 California. With the consent of the court, all such actions have been assigned to Judge
 10 Breyer.

11 One of the Volkswagen “defeat device” lawsuits assigned to Judge Breyer is ***BRS v.***
 12 ***Volkswagen AG, et al.***, Case No. 16-cv-3435 (“Bondholders Securities Action”), which is a
 13 class-action instituted by certain U.S. bondholders who purchased Volkswagen corporate
 14 bonds between May 23, 2014 and September 22, 2015. The bondholders allege that during
 15 the class period Volkswagen Aktiengesellschaft (“VWAG”), Martin Winterkorn
 16 (“Winterkorn”), and Volkswagen Group of America Finance, LLC (“VWGoAF”) (collectively
 17 “VW”) failed to disclose its emissions fraud, which rendered statements to prospective
 18 bondholders misleading and caused VW’s bonds to sell at inflated prices. The bondholders
 19 contend that VW violated certain provisions of the federal securities laws.

20 The Commission’s complaint in the instant case, ***SEC v. VWAG, et al.***, Case No.
 21 19-cv-01391 (Northern District of California), also names VWAG, Winterkorn, and
 22 VWGoAF as defendants (along with another VW-affiliated finance company VW Credit,
 23 Inc.) and alleges they violated the anti-fraud provisions of the federal securities laws in
 24 connection with the offer and sale of VW’s corporate bonds and asset-backed securities in
 25 the United States between May 2014 and June 2015.

Dated: March 15, 2019

Respectfully submitted,

/s/Daniel J. Hayes

Daniel J. Hayes

U.S. Securities and Exchange Commission